

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16576-16600

[Approved by the Secretary of Agriculture, Washington, D. C. January 29, 1930.]

16576. Misbranding of Red Caps. U. S. v. 11 Dozen Packages of Red Caps. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23452. I. S. No. 05027. S. No. 1584.)

On February 21, 1929, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen packages of Red Caps at Atchison, Kans., alleging that the article had been shipped by the Campbell Laboratories, from St. Joseph, Mo., on or about January 16, 1929, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained antipyrine, asafoetida, podophyllin, capsicum, starch, and a trace of alkaloids.

It was alleged in the libel that the article was misbranded in that the following statements regarding the therapeutic or curative effects of the said article, appearing on the carton and in the circular, (carton) "For * * * Grip * * * take one Red Cap every half hour until 3 are taken; then one every two hours until relieved. * * * Red Caps are used as a preventative as well as a remedy for * * * Grip * * * the liver is toned up," (circular) "For * * * Grip, also a preventative, if taken * * * they act directly on the liver," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 19, 1929, the Campbell Laboratories, St. Joseph, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be rebranded.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16577. Misbranding of Bel-Caps. U. S. v. 7 Dozen Packages of Bel-Caps. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23398. I. S. No. 03590. S. No. 1527.)

On February 16, 1929, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 dozen packages of Bel-Caps at Syracuse, N. Y., alleging that the article had been shipped by W. E. Shuit, Clifton, N. J., on or about January 1929, and transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained ammonium, iron, and calcium compounds, sulphates, carbonates, chlorides, bromides, camphor, aloin, small amounts of alkaloids, and extracts of plant drugs including a laxative drug.

It was alleged in the libel that the article was misbranded in that the following statements, appearing in the labeling, regarding the curative and therapeutic effects of said article, (display carton) "For * * * Grip and Influenza," (retail carton) "LaGrippe Capsules * * * For Prompt relief of * * * Influenza and LaGrippe * * * Especially effective in the treatment of * * * Influenza and LaGrippe," (bottle label) "LaGrippe Capsules for prompt relief of * * * influenza, lagrippe," (circular in retail carton) "There's nothing better for * * * LaGrippe or Influenza than Bel-Caps. They will relieve bronchial and catarrhal conditions. For breaking up * * * la-grippe or influenza. * * * one every three hours until all acute symptoms have disappeared. * * * Very prompt relief will be obtained from the feverish conditions * * * Relief Is Often Obtained So Quickly. * * * Per guarire * * * il grippe ol' influenza [similar statements in other foreign languages]," (leaflet in display carton) "Bel Caps An Efficient Remedy Against Spread of Influenza. No one has yet figured up the annual losses suffered by American business through the ravages of influenza. It seems as if no one is immune against the 'Flu.' Every one connected with a business enterprise, and that includes most of the people of the United States, loses from one day to one month a year because of the disease. As a result, there is an annual loss which is estimated as running into billions of dollars. However, it appears that if proper remedies are applied, especially in the early stages of the attack, no one need lose even one day. For example, when the first signs of influenza reveal themselves, the prompt use of Bel-Caps, one of the best remedies yet offered to the public, will give satisfactory relief. It is beyond doubt the best proven protection against influenza which has ever come to our notice. The efficiency of Bel-Caps as a guard against the 'Flu' was first generally realized on a large scale during the frightful epidemic of 1918-1919. During that time, Bel-Caps gave adequate protection to thousands of people. It offered a remedy even to those suffering acute cases; while it gave hundreds of families absolute safety, where it was used regularly, night and morning, according to the simple directions that show its proper use. As a result of its wonderful service during the war-time epidemic, Bel Caps has gained a widespread prestige that makes its recommendation at this time, when another 'Flu' epidemic is raging, the best precaution we can take towards fighting the spread of the disease. Because it is so efficient, we recommend that every office have ready where it can be easily secured by every employee, a package of Bel Caps. * * * Mr. Shuit spent some 25 years of research in perfecting his product, which has come to be accepted as the best and most valuable aid we have in our fight upon influenza," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 26, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16578. Misbranding of The Family Physician. U. S. v. 33 Large-Sized Bottles, et al., of The Family Physician. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23375. S. 1548.)

On February 6, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 8¾ dozen large-sized bottles and 10½ dozen small-sized bottles of The Family Physician, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by Muth Bros. & Co., from Baltimore, Md., in part on or about January 11, 1929, and in part on or about January 22, 1929, and transported from the State of Maryland into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of senna, ethyl nitrite, sugar, alcohol, and water, flavored with anise oil and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the Labeling, (bottle label) "Coughs, * * * Sore